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EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,146	CHEN ET AL.	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/6/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment filed 11/23/2005

1. Claims 1-67 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted 5/6/2005 is now in compliance with the provisions of 37 CFR 1.97 with the receipt of copies of missing references. Accordingly, the references of the information disclosure statement previously not consider is being considered by the examiner.

Claim Rejections - 35 USC § 101

3. Claims 56-57 are rejected under 35 U.S.C. 101 because the invention is not limited to tangible embodiments (e.g., signal). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

See current guidelines at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html under "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed 26Oct2005)".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-6, 8-14, 16, 17, 19-31, 33-42, 44-53, and 55-66 are rejected under 35 U.S.C. 102(e) as being unpatentable by Delph, US Patent #6,199,104.

6. As per claims 1, 16, 20, 23, 33, 34, 44, 45, and 55-58, Delph teaches the invention as claimed including the method and system for pushing asynchronous messages to a client computer, wherein the messages are first pushed through an intermediate server. Delph's teachings comprise of:

a processor (Col 3, lines 64. Computer.);

memory, the memory storing instructions for executing on the processor (Col 4, lines 48-49. Computer has memory to store host data.);

controlling instructions to control a user interface presented by a web browser comprising (Col 4, lines 6-13. Intermediate server sends information that will allow receiver computer to render its screen.):

registering instructions to register the web browser as available to receive an asynchronous message, wherein the web browser is not blocked waiting for the asynchronous message (Col 6, lines 36-37; 49-65; Col 7, lines 8-11. Registers for receiver computer to receive asynchronous message.); and

pushing instructions to cause a web server to push asynchronous message to the web browser (Col 5, lines 14-15; 23-25; Col 6, lines 6-7, 36-37, 47-48. Data is pushed to cause intermediate server to push asynchronous messages to the web browser.) in response to an incoming event (Col 5, line 65-Col 6, line 5. Receive request from receiver computer. Col 5, lines 4-16. Host computer contacts and sends data to the intermediate server.);

wherein the web browser presents a user interface change in response to the asynchronous message (Col 4, lines 9-12, 65-67. The web browser is rendered in response to the asynchronous message. Render web page.).

wherein the computer-readable medium further stores the user interface changing instructions (Col 4, lines 47-50. Host computer has memory to store data.).

7. As per claim 19, Delph teaches the invention as claimed including a method for pushing asynchronous messages to a client computer, wherein the messages are first pushed through an intermediate server. Delph's teachings comprise of:

establishing a first connection between a web browser and a web server (Fig. 1 #6, Col 4, lines 4-9. Web browser connects to the intermediate server.);

establishing a second connection between the web server and a business process server (Fig. 1 #1A, Col 4, lines 4-9. Host computer connects to the intermediate server.);

controlling a user interface presented by the web browser comprising:

registering the web browser with the business process server (Col 6, lines 49-56; Col 7, lines 12-15. Client contacts salesperson to receive information through a computer network. Bank teller may provide account information to a client. Registration is an inherent process to receive service.);

providing the web server with an asynchronous message to push to the web browser, the providing being performed by the business process server (Col 5, lines 14-15; Col 6, lines 7-8, 36-37, 47-48, 63-65. Host computer submits asynchronous message to push to the web browser.) and the providing being performed in response to an incoming event (Col 5, line 65-Col 6, line 5. Receive request from receiver computer. Col 5, lines 4-16. Host computer contacts and sends data to the intermediate server.); and

causing the web server to push the asynchronous message to push to the web browser (Col 5, lines 14-15; 23-25; Col 6, lines 6-8, 36-37, 47-48. Data is pushed to cause intermediate server to push asynchronous messages to the web browser.);

wherein the web browser performs a user interface change in response to the asynchronous to the asynchronous message (Col 4, lines 9-12, 65-67. Causes a change in response due to the asynchronous message. Render web page.).

8. As per claim 21, Delph teaches the invention as claimed including a method for pushing asynchronous messages to a client computer, wherein the messages are first send through an intermediate server. Delph's teachings comprise of:

causing the web browser to provide a wait request to a web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 6, lines 53-55; Col 7, lines 15-25. Web browser provides a request to the intermediate server for information. Client receives information such as stock or email for later view.);

identifying a source of an asynchronous message (Col 5, lines 6-11; Col 6, lines 53-55. Host computer sends a set-up request to the intermediate server, and in response, the intermediate server sends a set-up confirmation output. Client contacts a salesperson through a computer network.);

associating the wait request with the source, wherein the associating identifies the web browser as a recipient of the asynchronous message (Col 4, lines 4-5; Col 6, lines 7-8, 36-37, 63-65. Client requests information and the host computer sends asynchronous message to the web browser.); and

pushing the asynchronous message to the web browser (Col 6, lines 7-8, 36-37; 47-48. Information is pushed to the web browser in an asynchronous mode.) in response to an

incoming event (Col 5, line 65-Col 6, line 5. Receive request from receiver computer. Col 5, lines 4-16. Host computer contacts and sends data to the intermediate server.);

wherein the browser presents a user interface change in response to the asynchronous message (Col 4, lines 8-10, 65-67; Col 7, lines 15-17. A display is rendered on the host computer. Render web page.).

9. As per claim 22, Delph teaches the invention as claimed including a method for pushing asynchronous messages to a client computer wherein the messages are first send through an intermediate server. Delph's teachings comprise of:

causing the web browser to provide a wait request to a web server, wherein the wait request is associated with the web browser and a target from which an asynchronous message originates (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Client contacts a salesperson for information through a computer network. Hot computer submits host data.);

generating the asynchronous message, the asynchronous message identifying the web browser as a recipient of the asynchronous message, the generating being performed by the target (Col 5, lines 14-15; Col 6, lines 36-37; Col 53-55. Host computer submits host data to the intermediate server, where data is send to the client in an asynchronous mode.) ;

providing the asynchronous message to the web server (Col 5, lines 14-15; Col 6, lines 36-37. Host computer submits information to the intermediate server, which is to be sent to the receiver computer in an asynchronous mode.); and

causing the web server to push asynchronous message to the web browser (Col 5, lines 14-15; 23-25; Col 6, lines 36-37; 47-48. Data is pushed to cause intermediate server to push asynchronous messages to the web browser.) in response to an incoming event (Col 5, line 65-

Col 6, line 5. Receive request from receiver computer. Col 5, lines 4-16. Host computer contacts and sends data to the intermediate server.);

wherein the web browser presents a user interface change in response o the asynchronous message (Col 4, lines 9-12, 65-67. Causes rendering in response to the asynchronous message. Render web page.).

10. As per claim 2, Delph teaches the method of claim 1 further comprising: generating the asynchronous message (Col 5, lines 14-15; Col 6, lines 36-37. Host computer submits information to be sent to the receiver computer in an asynchronous mode.).

11. As per claim 3, Delph teaches the method of claim 1 further comprising: preparing to receive the asynchronous message (Col 6, lines 7-8; 36-38. Receiver computer receives the asynchronous message.).

12. As per claims 4, 5, 24, 35, 46, and 59, Delph teaches the invention comprising:

providing instructions to cause the web browser to provide a wait request to the web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Host computer submits host data);

identifying instructions to identify a source of the asynchronous message (Col 5, lines 6-12; Col 6, lines 53-55. Client contacts host computer through a computer network. Intermediate server establishes a session with the host computer.); and

associating instructions to associate the wait request with the source, wherein the

associating identifies the web browser as a recipient of the asynchronous message (Col 4, lines 4-5; Col 6, lines 7-8; 36-37; 63-65. Client requests information, and the host computer sends asynchronous message to the web browser.).

13. As per claims 6, 25, 36, 47, and 60, Delph teaches the invention comprising:

request providing instructions to cause the web browser to provide a wait request to the web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Hot computer submits host data);

generating instructions to generate the asynchronous message, the asynchronous message identifying the wait request, wherein the identifying identifies the web browser as a recipient of the asynchronous message (Col 5, lines 14-15; Col 6, lines 36-37; Col 53-55. Host computer submits host data to intermediate server, where data is send to the client in an asynchronous mode.); and

message providing instructions to provide the asynchronous message to the web server (Col 5, lines 14-15; Col 6, lines 47-48, 49-51. Client contacts host computer. Host computer provides asynchronous message to the server.).

14. As per claims 8, 26, 37, 48, and 61, Delph teaches the invention comprising:

storing instructions to store a reference to a callback function with information from the wait request (Col 6, lines 50-56, 64-65; Col 7, lines 13-19. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer. Broker may provide specific stock information.); and

using instructions to use the reference to call the callback function when the asynchronous message is provided to the web server, wherein the callback function pushes the asynchronous message (Col 6, lines 7-8, 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Data is pushed to the client. Bank teller may provide account information to a customer.).

15. As per claims 9, 27, 38, 49, and 62, Delph teaches the invention comprising: context providing instructions to provide the callback function with context information, the context information identifying the web browser (Col 6, lines 49-65. Client provides information to the travel agent through a computer network, so that for the travel agent can provide information presentable to the web browser of the client.).

16. As per claims 10, 11, 28, 39, 50, and 63, Delph teaches the invention comprising:

assigning instructions to assign the wait request to a connection between the web server and a business process server (Col 4, lines 4-6; Col 5, lines 4-15. Client sends a request to an intermediate server, where intermediate server is connected to the hos computer.); and

listening instructions to listen to the connection for the asynchronous message (Col 5, lines 4-15; Col 6, lines 36-37. The intermediate server waits for a session from host computer.).

17. As per claims 12, 29, 40, 51, and 64, Delph teaches the invention comprising: calling instructions to call a callback function associated with the web browser when the asynchronous message is received, wherein the callback function pushes the asynchronous message; and

(Col 5, lines 23-25; Col 6, lines 4-8, 36-37, 45-48; Col 7, lines 11-26. Client submits contact information to host computer, so that the intermediate server may push information to the client's web browser when received from the host computer.).

18. As per claims 13, 30, 41, 52, and 65, Delph teaches the invention comprising:

reference storing instructions to store a reference to the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer through a computer network, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.) and

reference using instructions to use the reference for calling the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.);

19. As per claims 14, 31, 42, 53, and 66, Delph teaches the invention comprising:

context storing instruction to store a second reference to context information, the context information identifying the web browser (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer through a computer network, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.) and

context using instructions to use the second reference for providing the context information to the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.).

20. As per claim 17, Delph teaches the method of claim 16, wherein the asynchronous message includes an action instruction to cause the web browser to perform the action (Col 4, lines 8-13; Col 6, lines 36-37. The asynchronous message allows the receiver computer to render a screen.).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delph, in view of Landsman et al, US Patent #6,314,451 (Landsman hereinafter).

23. As per claim 7, Delph does not teach the method of claim 6, wherein causing the web browser to provide the wait request comprises: downloading requesting instructions to the web browser, wherein downloading causes the web browser to execute the requesting instructions.

24. Landsman teaches of asynchronous sending of advertisements to a client computer. When the client browser encounters a web page with advertisement, the browser contacts the agent server to ensure that the executable code for the applet is updated. The browser downloads updated files and executes the applet. The web browser blocks from downloading any advertisement until the applet is executing (Col 23, lines 18-34; Col 32, lines 53-55; Col 39, lines 3-12).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Delph and Landsman because both teachings deal with the sending of asynchronous messages to clients. Delph teaches that the client does not need any compatible software programs other than a web browser to receive the data (Col 7, lines 6-8), thus it would have been desirable to download and executes applets for the web browser. The teachings of Landsman of downloading and executing applets would improve the teachings of Delph by allowing the client to receive information and to display the information on the client's web browser.

26. Claims 15, 18, 32, 43, 54, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delph, view of Boyle et al, US Patent #6,138,158 (Boyle hereinafter).

27. As per claims 15, 18, 32, 43, 54, and 67, Delph teaches of receiving information from a server and rendering the browser to the received information (Col 4, lines 8-13). However, Delph does not teach of causing a second user interface object to issue a sound to capture the user's attention and presenting a screen pop of data; and bringing a web browser window to a front of screen.

28. Boyle teaches of pushing data to mobile devices where upon receiving message, the device produces a sound to capture the user's attention and a notification is prompted to the screen, the display coded HDML, similar to HTML (Col 6, lines 5-6; Col 10, lines 59-61; Col 11, lines 2-14).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Delph and Boyle because both teachings deal with the

pushing of information to clients. Delph teaches of rendering the display screen of the client when information is received, thus it would have been desirable to produce a sound and prompted the web browser to the screen to capture the client's attention. The teachings of Boyle to produce a sound and display a notification on the screen would improve the teachings of Delph by providing an alternative method to make the user aware of incoming messages.

Response to Arguments

30. Applicant's arguments filed 10/24/2005 have been fully considered but they are not persuasive.

31. Applicant argued that (1) "synchronous mode" and asynchronous mode" refer to the timing of viewing the data with respect to the host computer, and not to the type of messages that trigger the presentation of the data; and (2) Delph does not teach presenting a user interface change presented by the web browser in response to the asynchronous message.

Examiner traverses the argument:

32. As to point (1), Delph teaches:

i) Column 6, lines 10-14, "In this way receiver computer 90 may view a continuous series of pages of translated host data using a Web browser at the same time that host monitor 85 views the same host data in what is referred to as a "synchronous mode."

ii) Column 6, lines 24-31, "A plurality of receiver computers 191 interface with intermediate server 150 through 140, allowing them to view host data in asynchronous mode, meaning that viewing may occur after the host computer stops viewing the data and stores the data on a storage data on a storage device 160 associated with intermediate server."

33. From quoted sections (i) and (ii), in asynchronous mode, data transmitted to the receiver computer is stored on an intermediate server, while in synchronous mode, the data is continuously transmitted from host computer to the receiver computer. While the two modes may refer to the timing of viewing, the two modes also refer to different types of messages sent to the receiver computer, as asynchronous message refer transmitting data stored on the server while synchronous mode refers data send continuously from the host computer. Furthermore, in synchronous mode, the data is synchronized since it is transmitted continuously from host to receiver computer and viewed at the same time, where as in asynchronous mode, the data is stored on the intermediate server and transmitted to the receiver. Therefore the data is not synchronized with the host computer.

34. As to point (2), Delph teaches:

iii) Column 4, lines 8-13, "the intermediate server can translate the host data into a form which will allow the receiver computer to render a screen display identical to the display of the host computer, or a screen display modified to have a more user-friendly format than the screen display of the host computer."

35. From quoted section (iii), Delph teaches specifically of "rendering a screen display identical to the display". In sections (ii), Delph also teaches of viewing data from the host computer. Therefore, Delph clearly teaches of presenting a change in the user interface in response to receiving data, wherein the data is an asynchronous message as presented in response to first argument. Delph further teaches that the receiver computer comprises a web browser to display received data (Col 4, lines 65-67; Col 6, lines 12-13).

Conclusion

36. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 27, 2006
JJ

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